

1 JUDGE STEINBERG: Mr. Shook?

2 MR. SHOOK: No objection, Your Honor.

3 JUDGE STEINBERG: Okay.

4 MR. SHOOK: But we would like him for
5 cross-examination.

6 JUDGE STEINBERG: You would?

7 MR. SHOOK: Yes.

8 JUDGE STEINBERG: Okay. The exhibit received.

9 (The document previously identified as
10 DBI Exhibit No. 6 was received into
11 evidence and made a part of the record
12 thereof.)

13 JUDGE STEINBERG: And Mr. Harris will be directed to
14 appear for cross-examination.

15 MR. McCARTIN: Let the record reflect the reporter has
16 been handed two copies of a document entitled DBI Exhibit 7,
17 Statement of Nathan W. Tate Sr., which is a two-page document,
18 and ask that it be marked for identification.

19 JUDGE STEINBERG: The document described will be marked
20 for identification as DBI Exhibit 7.

21 (The document was marked for
22 identification as DBI Exhibit No. 7.)

23 MR. McCARTIN: And I hereby ask that it be received
24 into evidence.

25 JUDGE STEINBERG: Any objection?

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1 MR. SHOOK: None, Your Honor. And we would request Mr.
2 Tate's appearance for cross-examination.

3 JUDGE STEINBERG: Okay. Exhibit 7 is received.

4 (The document previously identified as
5 DBI Exhibit No. 7 was received into
6 evidence and made a part of the record
7 thereof.)

8 JUDGE STEINBERG: And Mr. Tate Sr. will appear for
9 cross-examination.

10 MR. McCARTIN: Let the record reflect that the reporter
11 has been handed two copies of document entitled DBI Exhibit 8,
12 Statement of Ricky Patton. It is a two-page document, and I
13 ask that it be marked for identification.

14 JUDGE STEINBERG: Okay. The document described will be
15 marked for identification as DBI Exhibit 8.

16 (The document was marked for
17 identification as DBI Exhibit No. 8.)

18 MR. McCARTIN: I now ask that it be received into
19 evidence.

20 JUDGE STEINBERG: Mr. Shook?

21 MR. SHOOK: We have no objection, Your Honor. And we
22 would request Mr. Patton's appearance for cross.

23 JUDGE STEINBERG: Exhibit 8 is received.

24 (The document previously identified as
25 DBI Exhibit No. 8 was received into

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1 evidence and made a part of the record
2 thereof.)

3 JUDGE STEINBERG: And Mr. Patton will appear for cross-
4 examination.

5 MR. McCARTIN: Let the record reflect that the reporter
6 has been handed two copies of a document entitled DBI Exhibit
7 9, Statement of B. Lynn Layton, L-A-Y-T-O-N. It is a two-page
8 document, and I ask that it be marked for identification.

9 JUDGE STEINBERG: The document described will be marked
10 for identification as DBI Exhibit No. 9.

11 (The document was marked for
12 identification as DBI Exhibit No. 9.)

13 MR. McCARTIN: And I hereby ask that it be received
14 into evidence.

15 JUDGE STEINBERG: Any objection?

16 MR. SHOOK: There is one sentence in paragraph 2, Your
17 Honor, that we would object to.

18 JUDGE STEINBERG: Being civic-minded, etc.?

19 MR. SHOOK: Well, actually the preceding sentence.

20 JUDGE STEINBERG: Okay. Do you object to both of them
21 or just one of them?

22 MR. SHOOK: Well, you know, Mr. Layton has an opinion
23 about Mr. Bramlett being civic-minded. That is his opinion.
24 But we do have an objection to Mr. Layton's statement about.

1 JUDGE STEINBERG: Okay. So basically the objection is
2 to, "Most everybody active in the community knows him in
3 Decatur"?

4 MR. SHOOK: Yes.

5 JUDGE STEINBERG: And the basis is?

6 MR. SHOOK: Well, relevance, competence. I mean, how
7 is that Mr. Layton has any clue whatsoever about most
8 everybody active in the community? I mean, I have no idea
9 whatsoever what that could possibly mean.

10 JUDGE STEINBERG: Mr. McCartin?

11 MR. McCARTIN: Your Honor, I think that the Bureau is
12 free to cross-examine Mr. Layton as to the basis for that
13 statement, but there certainly are ways in which Mr. Layton
14 can be familiar with this. If he is familiar with the people
15 who are active in the community and has had conversations with
16 them and is aware that they know that based on those conver-
17 sations, then that is a sufficient basis for him to make the
18 statement. But it is not something that is susceptible to
19 deletion at this point. It is something that should be
20 susceptible to cross-examination.

21 JUDGE STEINBERG: Let me -- the problem that I have
22 with the sentence is that it can be summarized in, "So what?"

23 So what if they know him? How does that impact on anything?

1 JUDGE STEINBERG: Yes.

2 MR. McCARTIN: That is one of the components of the
3 evidentiary foundation necessary for admitting reputation on
4 this. The fact that Mr. Layton is aware of a certain defined
5 community in which Mr. Bramlett is well known, and as a result
6 of such awareness, among other things, he is able then to
7 testify as to his reputation.

8 JUDGE STEINBERG: Well, I will leave it in. I will
9 overrule the objection. You can cross-examine him. And, I
10 mean, if you want to bring in the Decatur phone book and go
11 through lists of organizations and ask Mr. Layton who runs the
12 organization and -- I mean, so I will overrule the objection.
13 Was that the only objection?

14 MR. SHOOK: That was the only objection, Your Honor.

15 JUDGE STEINBERG: Okay. So Exhibit 9 is received.

16 (The document previously identified as
17 DBI Exhibit No. 9 was received into
18 evidence and made a part of the record
19 thereof.)

20 JUDGE STEINBERG: And do you want Mr. Layton for cross?

21 MR. SHOOK: We do.

22 JUDGE STEINBERG: Okay. So Mr. Layton will appear for
23 cross. Anything more that we need to do today? Okay. Then
24 we will stand in recess until next Tuesday at 10 a.m., unless
25 Mr. Schattenfield would like to start earlier.

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1 MR. SCHATTENFIELD: Listen, I was sure what you did
2 today was for me.

3 JUDGE STEINBERG: It was for me.

4 MR. SCHATTENFIELD: I don't believe that. I think you
5 thought, "Poor Tom, 2 o'clock will be fine."

6 JUDGE STEINBERG: Okay. So we will be in recess until
7 Tuesday. Thank you very much.

8 MR. SCHATTENFIELD: Thank you.

9 MR. SHOOK: Thank you.

10 (Off the record.)

11 (Back on the record.)

12 JUDGE STEINBERG: Okay. We are back on the record.

13 While we were off the record, a question came up. In
14 Mr. Schattenfield's exhibit transmittal letter, on page 2 he
15 lists 14 people that he may want to call basically as
16 character witnesses. Mr. Schattenfield explained that that
17 was the universe of people that he would call, that he
18 basically wants to call some little four or five. At this
19 point, he doesn't know which four or five. The ruling that I
20 have made is that, by close of business next Monday, whatever

1 JUDGE STEINBERG: Yes. By close of business on the
2 22nd, Mr. Schattenfield will notify the Bureau as to which --
3 and me, too.

4 MR. SCHATTENFIELD: Yes.

5 JUDGE STEINBERG: -- as to which character witnesses
6 will be appearing. I would like -- it would be my preference
7 to have written exhibits from those people because that would
8 make it easier to prepare. I will leave the option with the
9 Bureau. If the Bureau wants written exhibits from these
10 people, they will notify Mr. Schattenfield Tuesday morning,
11 and then Mr. Schattenfield will exchange, will give the Bureau
12 and me copies of these witnesses' written statements at least
13 24 hours before they are scheduled to testify, and that should
14 give everyone a chance to prepare.

15 If the Bureau doesn't want the written statements,
16 that's fine. You know, I am not going to direct that
17 Mr. Schattenfield prepare them, but I think if the Bureau
18 wants them that it is only fair that they get them. I am
19 leaving the choice up to the Bureau.

20 MR. SHOOK: Okay.

21 JUDGE STEINBERG: I will let the Bureau and
22 Mr. Schattenfield work out the scheduling of the witnesses,
23 all of the witnesses.

24 MR. SCHATTENFIELD: Okay.

25 JUDGE STEINBERG: The Bramletts and Mr. Van Horn, Ms.

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1 Marshall and the other witnesses. You can work that out and
2 just let me know the order of the witnesses so that I can
3 prepare, so that I am prepared. Okay? Does that comport with
4 what happened?

5 MR. SCHATTENFIELD: I believe so. I certainly believe
6 so. I don't know about Mr. Shook.

7 JUDGE STEINBERG: Mr. Shook?

8 MR. SHOOK: Yes, Your Honor.

9 JUDGE STEINBERG: Okay. And then we are all in
10 agreement that that is the procedure. And Mr. McCartin is
11 taking very detailed, copious notes, as he always does.

12 MR. SCHATTENFIELD: You ought to look at what he is
13 writing first before you say that!

14 JUDGE STEINBERG: Okay. So now we will really be
15 recessed until next Tuesday. Thank you.

16 (Whereupon, at 4:20 p.m., on February 17, 1993, the
17 admissions session was adjourned.)

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CERTIFICATE OF REPORTER, TRANSCRIBER, AND PROOFREADER

Decatur, Alabama

Name

MM Docket No. 92-207

Docket No.

Washington, D.C.

Place

February 17, 1993

Date

We, the undersigned, do hereby certify that the foregoing pages, numbers 22 through 104, inclusive, are the true, accurate and complete transcript prepared from the reporting by Barbara Lord in attendance at the above identified proceeding, in accordance with applicable provisions of the current Federal Communications Commission's professional verbatim reporting and transcription Statement of Work and have verified the accuracy of the transcript by (1) comparing the typewritten transcript against the reporting or recording accomplished at the proceeding and (2) comparing the final proofed typewritten transcript against the reporting or recording accomplished at the proceeding.

2/27/93

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